

## Courts reverse ban on tobacco displays

Saskatchewan's groundbreaking "shower curtain law," which banned the display of cigarettes in retail stores, has been reversed.

The Court of Appeal in Regina has thrown out the law, ruling that tobacco companies have the right to display their products on store shelves.

"I was very disappointed with the Court of Appeal's decision," said Saskatchewan Minister of Health John Nilson. "We were the first in the world to go ahead with this type of legislation. We knew we would have challenges."

Saskatchewan will appeal the decision to the Supreme Court of Canada, he added.

In March 2002, stores in that province were ordered to cover all tobacco products that could be viewed by children under 18.

The nickname "shower curtain law" reflects just one of the methods used by retailers to comply with the law.

After the appeal court ruling in October, most storeowners quickly removed the covers.

The law was challenged by Rothmans, Benson and Hedges, Canada's second largest tobacco manufacturer. It argued that the law conflicted with the federal Tobacco Act, which permits the display of cigarettes in stores.

The appeal court judges ruled that in the case of a conflict, federal law takes precedence over provincial law.

"It's a basic right under the Charter of Rights and Freedoms to display a legal product at retail," said company lawyer John McDonald. He said cigarette displays in stores do not influence people to smoke.

Physicians for a Smoke-Free Canada is disappointed with the ruling because it believes children are encouraged to smoke when they see packages of cigarettes displayed next to candy.

"It's a sad day when the technicalities of law take precedence over the health of our children," said Saskatoon spokesperson Dr. Stuart Houston. "It's terrible that judges are making laws that should be made by our legislators."

The organization plans to lobby the federal government to amend the Tobacco Act so that provinces can pass their own laws concerning the display and advertising of tobacco products.

Manitoba has passed a similar law that will come into effect this month. — *Amy Jo Ebman*, Saskatoon

### NORTHERN MEDICINE

## Nunavut seeking yet another medical officer

The vast northern territory of Nunavut has been operating without a full-time medical officer of health since August following the resignation of the physician recruited to fill the post just 15 months ago.

Dr. Geraldine Osborne of Ireland resigned as head of public health for the 2 million square km region in August. As of press time, no replacement had been hired.

Her predecessor, Dr. Ann Roberts, resigned in 2002 after spending 3 years in the role. Osborne, a veteran of Ireland's public health system, said family concerns and the stress of working in an underdeveloped health care system contributed to her decision to resign. "The biggest problem with working in the North was that there was a huge turnover of staff all the time," she said in an interview from Cork, Ireland. "It's a huge prob-

lem to retain people."

Since the territory, which has 29 000 residents, was created in 1999, its government has struggled to hire and keep qualified health care professionals. There are only 11 physicians in the entire territory. "Everything has just been established, so there's a lot of work to do," Osborne added.

Dr. Richard Nuttall of Victoria is the acting health officer until a replacement is found, but officials say an on-site physician is badly needed. Bernie Blais, Nunavut's deputy minister of health and social services, said the health needs of the population are high in comparison with other provinces and territories because the small population is spread among 26 communities.

"We have a severe housing shortage that leads to people living in overcrowded conditions,



**A 2 million square km territory**

so if you have an outbreak of the flu it's more apt to be worse here," said Blais. "We've had outbreaks of tuberculosis and we also have a high rate of STDs."

When the country's highest suicide rate — 5 times the national average — is added to the mix, Blais said Nunavut's public health problems are daunting. "Where do you start?" he asks. — *Brad Mackay*, Toronto